

whole province and had announced this publicly, and even the most hard-nosed moneylenders had approved. If he is complaining because I denied a prefecture to a businessman, if he is annoyed because I ordered the cavalry out, I shall be sorry, of course, to have angered him, but much sorer that he is not the man I thought he was.³⁹

You seem to be curious about how I manage the publicans.⁴⁰ With great delicacy! I humor them, I flatter them, I treat them with deference—and I make sure that they harm no one! Most amazing is this: even Servilius⁴¹ observed the interest rates specified by the publicans in the tax contracts; but I do something else. I fix a day, well in advance, and announce that if they⁴² make their payments before that date, I shall apply an interest rate of 1 percent per month. If they don't make the payment by then, they will be charged interest according to the original contract. So the provincials pay a tolerable interest, and the publicans are pleased with the arrangement.

A Most Unscrupulous Governor

In 76 B.C., when Cicero was thirty years old, he was elected quaestor for 75 B.C. During his year in office, he was sent to Sicily to work on the governor's staff. He favorably impressed the Sicilians because of his diligence and honesty. In 73 B.C., a senator named Gaius Verres became governor of Sicily and held that position for three years. He was thoroughly shameless and unscrupulous in using his position to enrich himself, and by the time he left Sicily many of its inhabitants were destitute. The Sicilians sent a delegation to Rome and brought Verres to trial on charges of extortion.⁴³ They asked Cicero to speak for the prosecution. He accepted the position, although it was both difficult and dangerous; Verres's defense lawyer was Quintus Hortensius, the most brilliant speaker of the period, and Verres had, as political allies, many members of the old nobility. If Cicero failed to secure a conviction, he would destroy his political future; but if he won the case, he would gain immediate fame and certainly promote his career. He chose to gamble because, as a "new man," he desperately needed the renown that a court victory would bring. Cicero traveled to Sicily and collected a mass of evidence. On the first day of the trial, he presented such damning evidence against Verres, and presented it so brilliantly, that Verres knew he would be convicted and so retired from Rome in voluntary exile.⁴⁴ Yet Cicero had presented only a small part of the information about Verres's

³⁹ Cicero has found himself in a very awkward position. He wants to treat the people of Salamis fairly, but he does not want to risk alienating Brutus, who was a very powerful political figure. In the end, Cicero did nothing and left the problem to his successor in office.

⁴⁰ the publicans: the tax collectors, who are private businessmen, not government employees. They did, however, expect the assistance of the governor.

⁴¹ Servilius: an earlier governor of Cilicia who, like Cicero, had tried to treat the provincials fairly. However, he did allow the publicans to fix whatever interest rate they wished on tax contracts.

⁴² they: the provincials.

⁴³ In 149 B.C., the Senate had established a permanent court or standing tribunal to try cases of provincial administrators charged with extortion. All the jurymen were senators, and it was therefore very difficult for provincials to receive a fair hearing from men who would obviously protect one another's "right" to plunder the provinces. In 122 B.C. Gaius Gracchus changed the composition of the court to equestrians, but by the time of Verres's trial, the jurymen were again all senators.

⁴⁴ He went to Massilia (modern Marseilles). It was quite legal for a defendant to withdraw before the end of the trial. Since Roman citizens could not be executed, exile from Italy was the most severe punishment which the court could assign a man of senatorial rank (men of the lower-classes could be scourged or sent to work in the mines; see selections 5 and 6). Realizing that he would be convicted, Verres simply chose his own place of exile.

innumerable atrocities. He therefore published five more speeches that set forth in great detail the misconduct of Verres. Cicero's success in this trial ensured strong political support for the future. In addition, he superseded Hortensius as the most distinguished orator of the period.

The passages translated below reveal all too clearly the unscrupulous exploitation to which provincials were subject. One might wish that Verres was a unique example of predatory behavior, but such governors were probably all too common. These passages from Cicero's speeches also provide an interesting insight into trial procedures in a Roman court.

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Cicero, *The Prosecution of Verres* 1:1-3, 10-15, 18-20, 22, 23; 2(1):32, 33, 63-67, 69, 72, 74-76; 2(2):68-71, 74, 75, 120, 121, 169, 170, 186-188, 190, 191; 2(3):56-58, 100, 101, 103, 188, 189; 2(4):1, 4, 7, 49; 2(5):139, 147, 160-162, 169, 170

Gentlemen of the jury⁴⁵: . . . An opinion harmful both to you and to our republic has taken root and has spread not only throughout Rome but even throughout foreign lands and is discussed by everyone, everywhere: the opinion that no one who has money can be convicted by the courts as they are now constituted.⁴⁶ And now, at this critical point for the senatorial class and for your position as jurors,⁴⁷ . . . Gaius Verres has been brought before you to stand trial, a man already condemned, in the opinion of everyone, everywhere, by his life and his deeds, yet expecting, even predicting, acquittal because of his vast wealth.⁴⁸ . . . If you judge this man strictly and scrupulously, you will retain the influence and authority which you ought always to have. . . .

I can easily see what his hopes and intentions are. However, I do not understand, when I consider the praetor⁴⁹ and members of this court, how he can be so confident that he will fulfill his intentions. . . . Who is so shrewd, or so eloquent, or so fluent that he could defend, even in part, the life of this man,⁵⁰ a life convicted of so many vices and crimes, a life condemned long ago by the will and judgment of the whole world. . . . He piled up the greatest—both in number and in consequence—demonstrations of all his vices when he was governor of Sicily. In just three years he

After his departure, the court passed an official sentence of exile and a fine to compensate the losses the Sicilians had suffered. Verres died in exile in 43 B.C.

⁴⁵*Gentlemen of the jury*: in fact, the members of the court served both as jurors and judges.

⁴⁶At the time of Verres's trial, the members of the standing courts were selected from the senatorial class; however, legislation was being proposed to include members of the equestrian class (equestrians had served as court members from the time of Gaius Gracchus to Sulla, who switched control of the courts back to the senatorial class). The proposed legislation was prompted by people's disgust with the corruption of the senatorial courts where bribery was rampant ("no one who has money can be convicted"). For comments on bribery in the army, see selections 304 and 306.

⁴⁷The senatorial class may lose their control over the courts.

⁴⁸Cicero was a very clever speaker; at the very beginning of the trial, he has put the jury on the spot: "The whole world thinks you are corrupt and open to bribes. The Roman people want to remove you from the courts. Verres says openly he will bribe you and gain acquittal. Show the world you are honest—by convicting Verres."

Notice also that a Roman lawyer could say virtually anything about his opponents. Here Cicero insinuates that the whole world knows about Verres and has already condemned him.

⁴⁹A praetor was the presiding officer of a standing court.

⁵⁰We should imagine Cicero pointing his finger at Verres in court and emphasizing with his voice, "this man," "he," and so on.

so thoroughly despoiled and ruined that province that it can in no way be restored to its former state; indeed, it scarcely seems possible that even a lapse of many years and a succession of conscientious governors could rehabilitate it even partially. While Verres was governor of Sicily, its inhabitants had access to neither their own laws, nor our senatorial decrees, nor the rights universally allowed to men.⁵¹ Each Sicilian now possesses only as much as either escaped the notice of this very greedy, very lecherous swine, or remained after he glutted his lusts. For three years, not one legal case was decided without some interference by him; no one had such absolute right to his father's or his grandfather's property that the courts would not take it away from him if Verres so demanded. Countless sums of money were extorted from the pockets of the farmers under a new and immoral regulation. Our most loyal allies were treated like enemies. Roman citizens were tortured and executed like slaves.⁵² The most guilty of men were acquitted in court because of their bribes, while very honest and scrupulous men were prosecuted and tried in their absence, convicted, and exiled. Heavily fortified harbors and very large, well-defended cities were left exposed to pirates and bandits.⁵³ Sicilian sailors and soldiers, however, our allies and friends, were starved to death. Our finest and best-equipped fleets were lost or destroyed. What an appalling disgrace for us, the Roman people!

Now, about his adulteries and debaucheries—a sense of decency makes me shrink from describing his outrageous lewdness. And I also do not wish, by describing them, to add to the anguish of those who were not able to save their children and wives from his lust. . . . I don't think there is one human being alive today who has heard the name of this man and cannot also describe his loathsome deeds. And so I am more afraid that you might think I have overlooked many of his atrocities than that you might think I have invented some. Indeed, the large crowd which has assembled here today to listen to the proceedings does not, I think, want to learn from me the facts of the case, but rather to review with me the facts it already knows.⁵⁴ . . .

When Hortensius had been elected consul and was being escorted home from the Campus Martius by a large crowd of supporters, they happened to meet up with Gaius Curio.⁵⁵ . . . Curio called out to Verres by name and congratulated him in a loud voice. He didn't say a word to Hortensius himself, who, after all, had just been elected consul,⁵⁶ or to his relatives and friends who were with him. Instead, he went over to Verres, embraced him, and told him not to worry. "I hereby proclaim," he said, "that today's election results have ensured your acquittal." His remark was immediately reported to me by the many very honest men who heard it.⁵⁷ . . . How is it that a

⁵¹The Romans accepted the concept of universal or common law; see selections 279 and 280.

⁵²Roman courts did not normally sentence Roman citizens to execution.

⁵³Piracy was a continual and serious problem in the Mediterranean world. Julius Caesar was once kidnapped by pirates and held for ransom. His family had the money to pay the ransom. Poor victims were usually murdered by the pirates or sold into slavery. It was, of course, the duty of the governor to provide military protection in his province.

⁵⁴It was quite acceptable in Roman court procedure for a lawyer to use exaggeration or insinuation to prejudice a jury; hence the very great importance of having a skillful lawyer argue your case.

⁵⁵On the identity of Hortensius, see the introduction to this selection. Elections for consul were held in the summer, although the consul-designate did not take office until the beginning of the next year. Thus, Hortensius was elected in the summer of 70 B.C., Verres's trial took place in the autumn of 70 B.C., and Hortensius assumed office as consul in January of 69 B.C. (The other consul-designate was Quintus Metellus, also a friend of Verres.) It is certainly to Cicero's credit that he was willing to plead the case for the prosecution when the defense lawyer was Hortensius, the famous orator and consul-designate.

Elections for consul (and praetor and censor) were held in the *Comitia Centuriata* which met in the Campus Martius.

Gaius Curio had been consul in 76 B.C.

⁵⁶And therefore apparently deserved the congratulations which Curio instead gave Verres.

⁵⁷Such unsubstantiated rumors would not be permitted in today's courts or would be excluded as hearsay.

defendant one day thinks that he is sure to be convicted, but the next day, when his lawyer has been elected consul, is acquitted?⁵⁸ . . .

I received an interesting piece of information from certain men who keep me posted about all such matters: quite a few baskets filled with Sicilian money had been handed over by a certain senator to a Roman equestrian; about ten of these baskets had been left at that senator's house, earmarked for my defeat in the elections; the bribe distributors for all the tribes had been summoned to Verres's house one night.⁵⁹ One of these distributors, who felt obligated to offer me all the assistance he could, came to my house that very same night and told me what Verres had said to them. He reminded them how generous he had been to them in the past, both when he himself had campaigned for the praetorship⁶⁰ and at the recent elections of the consuls and praetors.⁶¹ Then he had immediately promised them as much money as they wished if they would prevent me from gaining the aedileship. . . .

I must keep close track of the time which I have been allotted for my speech to you because I intend to present every detail of this case. However, I shall pass over the extremely indecent and scandalous "first act," as it were, of Verres's life.⁶² He won't hear from me one word about the scandals of his boyhood years, not one word about his debauched adolescent years (you remember what they were like). . . . Please make allowances for my sense of decency and permit me to be silent about some aspects of the lewdness of this man. As far as I am concerned, let the whole time prior to when he embarked upon a political career remain unchallenged. Let there be silence about his all-night drinking parties and orgies. Let no mention be made of the pimps, and the gamblers, and the panders. Let us pass over his squandering of his father's money and his vile behavior as a youth. . . .

Cicero describes in detail the misconduct and criminal actions of Verres when he was quaestor and when he served as legate on the staff of the governor of Cilicia.

On the shores of the Hellespont is a town called Lampsacus, one of the most famous and well-known towns in Asia.⁶³ The people of Lampsacus are extremely helpful to all Roman citizens traveling there, and are moreover peaceful and quiet. . . . Verres was lodged as a guest in the home of a certain Ianitor.⁶⁴ . . . As was his custom—that is, as his shameless lusts urged him to do, he at once set his staff to work—all of them especially wicked and disreputable men—at looking

⁵⁸ Cicero is cautioning the members of the court not to be intimidated and vote for Verres's acquittal simply because his lawyer is the consul-designate.

⁵⁹ Cicero's remarks indicate how prevalent election bribery was. In the summer of 70 B.C., Cicero was campaigning for the aedileship of 69 B.C. Verres and his friends tried to arrange his defeat, hoping thereby to discourage him from prosecuting Verres. They spent huge sums of money, which Cicero suggests had been illegally extorted from the Sicilians, to bribe the voters. Large bribes were given to men of equestrian rank. Money was also distributed to the lower classes through agents. Verres may have been excessive in his bribery, but he was not alone. It was evidently quite common for candidates to hire bribe distributors from each of the tribes to pass on bribes to members of the tribes. (Despite Verres's generous bribes, Cicero won the election. Thus, he was aedile-designate at the time of this trial.)

⁶⁰ Verres had been praetor in 74 B.C. and had then gone to Sicily as propraetor or governor in 73 B.C.

⁶¹ The elections for consuls and praetors, which were held in the *Comitia Centuriata*, took place a short time before the elections for aediles and quaestors, which were held in the *Comitia Tributa*.

⁶² A delightful example of the rhetorical figure *praeteritio*. *Praeteritio* is a Latin word meaning "pass over." Cicero claims he will ignore or "pass over" Verres's earlier misdeeds, but, even in claiming to ignore them, he of course brings them to the attention of the audience. The rhetorical education which boys of wealthy families received made them clever and manipulative speakers.

⁶³ That is, in the province of Asia.

⁶⁴ Verres was at this time legate on the staff of the governor of Cilicia. Although Lampsacus was in the province of Asia, not Cilicia, Verres had traveled here on official business. Townspeople like Ianitor were expected to entertain Roman officials free of charge; see section 319.